

REMARKS

Claims 1, 2, 6, 42 and 46 are resubmitted without amendment for reconsideration in the light of the following remarks and authorities.

Claims 1, 2, 6, 42 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scofield as a primary reference in view of Arai as a secondary reference. This ground of rejection is respectfully traversed. We continue to rely on the distinctions noted on pages 5-7 of the response filed 17 August 2010. Furthermore, the secondary reference is based on a PCT application filed in the Japanese language that was not published until December 5, 2002 whereas this application claims the priority date of the parent application that was filed on December 3, 2002, and fully supports the claims in this application. See MPEP 2136.03(II)(B). Accordingly, withdrawal of the rejection of claims 1, 2, 6, 42 and 46 as unpatentable over the primary and secondary references is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the primary reference regarded as corresponding to limitations in at least the independent rejected claims and explain why the secondary reference is treated as a proper reference for the rejected claims.

Applicant : J. Richard Aylward, et al.
Serial No. : 10/643,140
Filed : August 18, 2003
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Attorney's Docket No.: 02103-0519002 / S93 US1

In view of the foregoing reasoning, authorities of record and the inability of the prior art to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. If the Examiner believes the application is not in a condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at 617-521-7014 to discuss what additional steps he believes are necessary to place the application in a condition for allowance.

Please apply any charges or credits to order no. 02103-0519002/S93 US1.

Respectfully submitted,
FISH & RICHARDSON P.C.

10 November 2010
Date: _____

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